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FM AMEMBASSY BISHKEK  
TO RUEHC/SECSTATE WASHDC IMMEDIATE 8779  
INFO RUCNCIS/CIS COLLECTIVE IMMEDIATE  
RUEHBJ/AMEMBASSY BEIJING IMMEDIATE 1891  
RUEHDBU/AMEMBASSY DUSHANBE IMMEDIATE 1470  
RHEFDIA/DIA WASHDC IMMEDIATE  
RUEKJCS/OSD WASHDC IMMEDIATE  
RUEAIIA/CIA WASHDC IMMEDIATE  
RHEHNSC/NSC WASHDC IMMEDIATE  
RUEKJCS/SECDEF WASHDC IMMEDIATE  
RUEKJCS/JOINT STAFF WASHDC IMMEDIATE  
RUEHGV/USMISSION GENEVA IMMEDIATE 0433  
RUEHVEN/USMISSION USOSCE IMMEDIATE 2303  
RUCNDT/USMISSION USUN NEW YORK IMMEDIATE 1688  
RUEHNO/USMISSION USNATO BRUSSELS BE IMMEDIATE  
RUEHBS/USEU BRUSSELS IMMEDIATE  
RUEHLMC/MILLENNIUM CHALLENGE CORP IMMEDIATE  
RUMICEA/USCENTCOM INTEL CEN MACDILL AFB FL IMMEDIATE

C O N F I D E N T I A L SECTION 01 OF 02 BISHKEK 001826

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SUBJECT: KYRGYZ MANEUVERING TO AMEND THE CONSTITUTION

REF: BISHKEK 1812

BISHKEK 00001826 001.2 OF 002

Classified By: Amb. Marie L. Yovanovitch, Reason 1.4 (b) and (d).

11. (SBU) The political maneuvering continues in Bishkek following the parliament's narrow failure to adopt a new constitution December 25 (reftel). While pro-presidential MPs vowed to put forward new amendments to the constitution, some members of the opposition For Reforms movement threatened renewed protests if there were further attempts to restore the powers to the president lost under the November constitution. For Reforms leaders MP Omurbek Tekebayev and MP Bolot Sherniyazov met with President Bakiyev December 26, and Tekebayev later told the press that Bakiyev said he was willing to work with the current parliament, but many around the President were continuing to press him to dissolve parliament. Tekebayev said that the opposition was against adopting a new constitution, but it would be willing to consider amendments that were introduced in accordance with constitutional procedures.

12. (SBU) Under the constitution, parliament has authority to approve amendments, but only after a ruling from the Constitutional Court. The Constitutional Court must give its ruling no earlier than three months and no later than six months from the date of submission of the proposal to the parliament. Currently, the Constitutional Court has two vacancies and is not operational.

13. (C) Some commentators believe that a deal has already been worked out regarding procedures for amending the constitution and later dissolution of the parliament. Many parliamentarians and others see new elections as an opportunity to strengthen their positions. Former Director of the International Institute of Strategic Studies Valentin Bogatryov told the Ambassador that it was significant that Bakiyev and Tekebayev had met face-to-face for the first time in nearly a year. He said parliament would first act to confirm judges to the Constitutional Court, so that the court

could function. Next, parliament would submit proposed constitutional amendments to the Court for a "rapid" decision. Bogatyryov said that they would get around the three-month wait requirement by agreeing on a legislative fix, as they did in November.

¶4. (C) Many believe that early parliamentary elections are inevitable, but the timing of elections is critical (Note: the term of the current parliament expires in 2010. End note.) Bogatyryov said that many MPs were afraid of the President's threats to dissolve parliament immediately. They needed time to put together a new election code and establish new electoral districts. After that, it appears that many parliamentarians are ready to take new chances and dissolve the parliament, with elections possible in the fall.

¶5. (C) Former Foreign Minister Murat Imanaliyev told the Ambassador that he thought the timing of these maneuvers was being driven by outside (specifically Russian) political advisors. He said that Bakiyev had become little more than a "tool" for the Russians. Bogatyryov wouldn't go that far, but he agreed that Bakiyev was being used.

¶6. (C) Comment: Today, parliament took up the question of judicial vacancies, including working on filling the two seats on the Constitutional Court. We anticipate that parliament will take up the procedural questions regarding amending the constitution, perhaps as early as tomorrow.

¶7. (C) Comment Continued: If the parliament and president come to an accommodation, it leaves open the question of what happens with the government. It seems unlikely that this parliament would confirm Kulov as prime minister; on the other hand, the president could legally dissolve parliament if it fails to confirm a new government. Once again, it

BISHKEK 00001826 002.2 OF 002

hinges on the relationship between the president and the prime minister and whether the president believes it is wiser to hold the prime minister close or abandon him and deal with the inevitable political consequences.

¶8. (C) Comment Continued: Imanaliyev and Bogatyryov both cautioned against looking at this struggle from the Western perspective with hundreds of years of constitutional history. What was important here, they said, was for the key players to come to agreement, not whether any maneuver was constitutional.

YOVANOVITCH